

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAMIEN CLARK,

Defendant.

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8:07CR184

ORDER

This matter is before the court on the motion to continue by defendant Damien Clark (Clark) (Filing No. 25). Clark seeks a continuance of the trial scheduled for August 27, 2007, due to a trial conflict of Clark's counsel. Clark has submitted an affidavit whereby Clark consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Clark's motion to continue trial (Filing No. 25) is granted.
2. Trial of this matter is re-scheduled for **September 10, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 13, 2007 and September 10, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge